

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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D.V.D., *et al.*,

Individually and on behalf of all others  
similarly situated,

Plaintiffs,

v.

U.S. Department of Homeland Security, *et al.*,

Defendants.

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No. 1:25-cv-10676-BEM

**DEFENDANTS' MOTION TO EXTEND TIME TO FILE RESPONSE TO PLAINTIFFS'  
COMPLAINT**

Defendants respectfully move for a sixty (60) day extension of time to answer or otherwise respond to Plaintiffs' complaint (ECF No. 1). This is Defendants' second request for an extension of time. *See* Tr. of May 21, 2025 H'rg at 120. Defendants' response is currently due July 7, 2025. If this request is granted, Defendants' response to Plaintiffs' complaint would be due on September 5, 2025. Plaintiffs oppose this motion.

As a preliminary matter, on June 30, 2025, undersigned counsel filed Defendants' opening brief with the First Circuit. *See D.V.D. v. D.H.S.*, 25-1393 (1st Cir.) The appeal currently before the First Circuit raises the same issues that would be addressed in any motion to dismiss filed in this Court. Therefore, in the interest of conserving the resources of both the parties and the Court, Defendants respectfully request that their deadline to answer be extended for at least sixty days, or until the First Circuit issues a ruling on the pending appeal.

There is good cause for this Court to grant this extension request.:

1. Defendants have several upcoming deadlines in this case for which undersigned counsel for Defendants is primarily responsible. The parties are currently engaging in expedited discovery in which Defendants' written responses to twenty (20) requests for admission and fifteen (15) interrogatories were due June 27, 2025. ECF No. 156. Moreover, Defendants must produce documents in response to twenty-three (23) requests for production by July 14, 2025. *Id.* Further, Defendants' opposition to an intervenor's motion to unseal certain district court filings—including a declaration from Secretary of Defense Pete Hegseth—is also due on July 7, 2025. *See* ECF Nos. 159, 163, 177.
2. One of Defendants' two lead counsel has been on leave over the past week and will remain unavailable until July 3, 2025. Undersigned counsel—who, as noted, bears the primary responsibility for managing the numerous deadlines in this case—is also counsel in several other class actions and is tasked with supervising the work of other attorneys in the Office of Immigration Litigation. Undersigned counsel is also responsible for corresponding with U.S. Attorney's offices nationwide regarding the many class members in this action who have filed individual habeas petitions seeking additional procedures and relief prior to being removed to a third country. As a result, she has had insufficient time to devote to drafting a response to Plaintiffs' complaint.
3. Due to the importance of this case, any filings undergo several layers of review within the Department of Justice and Department of Homeland Security. Many individuals at these agencies, including undersigned counsel, will be on leave for the remainder of this week due to the July Fourth Holiday.

4. Counsel for the government are diligently managing an exceptionally busy caseload, including numerous emergency matters nationwide. Should the Court find a sixty-day extension excessive, Defendants respectfully request a shorter extension of thirty (30) days to enable undersigned counsel to adequately address her various obligations in this case, and other cases, and prepare an adequate response to Plaintiffs' complaint.

Dated: July 2, 2025

Respectfully submitted,

BRETT A. SHUMATE  
Acting Assistant Attorney General

ELIANIS N. PEREZ  
Assistant Director

MATTHEW P. SEAMON  
Senior Litigation Counsel

/s/Mary L. Larakers  
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**RULE 7.1 CERTIFICATION**

Undersigned counsel for Defendants certifies pursuant to L.R. 7.1 that she contacted counsel for Plaintiffs who indicated, via email, that they oppose this motion.

/s/ Mary L. Larakers

Mary L. Larakers  
Senior Litigation Counsel

Dated: July 2, 2025